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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,286

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Daniel R. DaSilva

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PELCO

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EXAMINER

DANG, HUNG Q

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,286	Applicant(s) DASILVA, DANIEL R.	
	Examiner HUNG Q. DANG	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-16, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/17/2008 have been fully considered but they are not persuasive.

At pages 10-11, Applicant argues that a 'step up' process is absent from the Klarfeld reference. In response, the Examiner respectfully submits that a 'step up' process that comprises all the details that Applicant describes is not present in the claim language. As such, the Examiner finds these arguments are irrelevant.

Instead, the Examiner would like to point out that Klarfeld also discloses the newly added feature of "identifying stored video data at each priority level and applying said at least one rule to each priority level to identify stored data that may be overwritten, beginning at the lowest priority level and continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data," that has been incorporated into claims 1, 10, and 16 from the corresponding dependent claims 4, 14, and 17 respectively.

In [0169], Klarfeld states, "recording manager 301 requests ratings from preference agent 110 of all programs stored on storage devices 106," which discloses the feature of "identifying stored video data at each priority level" since all stored programs in Klarfeld do have their own level of priority and the fact that all of these programs are rated according to a request implies the other fact that each of these programs must be identified."

Also in [0169], Klarfeld states, “recording manager 112 manages storage capacity on storage devices 106 by causing deletion of television programs 105 in accordance with ratings of such programs generated by preference agent 110. This is performed in a manner similar to that explained above for determining which programs to record,” which discloses the feature of “applying said at least one rule to each priority level to identify stored data that may be overwritten” since the rule used in ‘establishing step’ is used in a similar way for deleting or overwriting.

Also in [0169], Klarfeld also states, “specifically, when additional space on storage devices 106 is required to record one or more additional programs, recording manager causes deletion, or overwriting of programs having the lowest rating first,” which obviously discloses the feature of “beginning at the lowest priority level.” This disclosure also implies “continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data,” because, according to the teachings above, assuming that the first round of deletion has been applied to the programs of lowest priority, and yet additional space is needed (corresponding to the case of insufficient storage locations), the programs of the lower priority at that time (after the those of lowest priority has been overwritten) become those of lowest priority. Then the teaching above can be applied again, etc. until sufficient storage space has been reached.

For that reason, Klarfeld clearly discloses the limitation of “identifying stored video data at each priority level and applying said at least one rule to each priority level to identify stored data that may be overwritten, beginning at the lowest priority level and

continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data.”

At page 12, Applicant argues that "the examiner 'must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been made obvious in light of the teachings of the references." In response, the Examiner respectfully submits that a convincing line of reasoning has been clearly presented in the Office Action.

At pages 13-15, Applicant argues that neither Klarfeld, nor Hayashi, nor Kimura discloses a 'step up' process. As such, it is not obvious to combine the cited references. Since a 'step up' process is not recited in the claim language, the Examiner finds these arguments irrelevant. Instead, the Examiner has pointed out the teachings of Klarfeld that discloses the newly incorporated limitations in claims 1, 10, and 16 as discussed above.

For those reasons above, the claims are rejected as previously presented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Klarfeld et al. (US 2003/0067554).

Regarding claim 1, Klarfeld et al. disclose a method for storing units of incoming video data on an empty storage medium ([0168]) comprising the steps of: establishing different levels of priority for video data of different types ([0168]); establishing at least one rule for each video data type ([0168]); assigning a priority level to each unit of incoming video data according to its type ([0168]); storing said units of incoming video data on said storage medium until all storage locations thereon are occupied ([0169]); thereafter identifying stored video data at each priority level and applying said at least one rule to each priority level to identify stored data that may be overwritten, beginning at the lowest priority level and continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data ([0168]; [0169]; also see “Response to Arguments” above); and storing units of incoming video data by overwriting said identified stored video data ([0169]).

Regarding claim 10, Klarfeld et al. disclose a method for prioritizing video data to determine which data on a storage medium will be overwritten to make way for new data ([0168]; [0169]) comprising the steps of: establishing a set of priorities for video data of different types ([0168]); establishing a set of rules for maintaining video data of a given priority ([0168]); assigning a priority to each new data unit according to its type ([0168]); if empty storage locations are available on said medium, storing units of video data in said empty storage locations ([0169]); if empty storage locations are not available, identifying stored video data at each priority level and applying said at least

one rule to each priority level to identify stored data that may be overwritten, beginning at the lowest priority level and continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data ([0168]; [0169]; also see "Response to Arguments" above); and overwriting said stored video data in said storage location with said new video data ([0169]).

Regarding claim 11, Klarfeld et al. also disclose the priority levels and at least one rule may be changed in real time ([0168]; [0169]).

Regarding claim 12, Klarfeld et al. also disclose additional step of changing the priority level of stored video data units in real time in order to change the availability of the space occupied by the associated video data on the storage medium ([0168]; [0169]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 5-9, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klarfeld et al. (US 2003/0067554) as applied to claims 1 and 10-12 above, and further in view of Hayashi (US Patent 6,434,323).

Regarding claim 2, see the teachings of Klarfeld et al. as discussed in claim 1 above. However, Klarfeld et al. do not disclose the creation time of each incoming unit

of video data is maintained and at least one of said rules are based on the age of the data.

Hayashi discloses the creation time of each incoming unit of video data is maintained and at least one of rules are based on the age of the data (column 10, lines 22-29).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the maintaining of the creation time of each incoming unit of video data and the rules being based on the age of the data disclosed by Hayashi into the method disclosed by Klarfeld et al. to discard old data. The incorporated feature would help users to keep up-to-date video data.

Regarding claim 3, Hayashi also discloses said at least one rule includes at least one retention time for each established priority, and existing stored video data of a given priority level is overwritten with incoming video data if the age of the existing video is outside of an applicable the retention time (column 10, lines 22-29).

Regarding claim 5, Hayashi also discloses in the event that more than one stored video at a given priority level is determined to be expendable, the oldest such video is overwritten first by the incoming video (column 10, lines 22-29).

Regarding claim 6, Klarfeld also discloses at least one priority level calls for indefinitely maintaining video data that is assigned such priority level (requested by users in [0168]; [0169]).

Regarding claim 7, Klarfeld also disclose at least two different priority levels are established ([0168]; [0169]), and each priority level has a different retention time with longer retention times assigned to higher priority levels ([0168]; [0169]).

Regarding claim 8, Klarfeld et al. also disclose changing the priority level of stored video data units in real time in order to change the availability of the space occupied by that data on the storage medium ([0168]; [0169]).

Regarding claim 9, Klarfeld et al. also disclose the types of data are selected from the group consisting of: alarm, event, pre-event, archive, continuous, scheduled, user-defined, and combinations thereof ([0168]; [0169]).

Regarding claim 13, see the teachings of Klarfeld et al. as discussed in claim 10 above. However, Klarfeld et al. do not disclose said at least one rule includes at least one retention time for each established priority level, and existing stored video data of a given priority level is overwritten with new video data if the age of the existing video is outside of the applicable the retention time.

Hayashi discloses at least one rule includes at least one retention time for the established priority level, and existing stored video data of a given priority level is overwritten with new video data if the age of the existing video is outside of the applicable the retention time ("the retention time is established as the age of the oldest record" in column 10, lines 22-29).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the retention time and the corresponding rule of

overwriting disclosed by Hayashi into the method disclosed by Klarfeld et al. to discard old data. The incorporated feature would help users to keep up-to-date video data.

Regarding claim 15, Hayashi also discloses in the event that more than one stored video at a given priority level is determined to be expendable, the oldest such video is overwritten first by the new video (column 10, lines 22-29).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klarfeld et al. (US 2003/0067554) and Kimura et al. (US Patent 7,096,237).

Regarding claim 16, Klarfeld et al. disclose a method for managing units of video data on a storage medium ([0169]) comprising the steps of: establishing a set of priority levels for video data of different types ([0168]); establishing at least one rule for maintaining video data of a given priority level ([0168]); assigning a priority level to each new video data unit according to its type ([0168]); using a table to maintain at least the assigned priority level for any video data stored at each storage location on said medium (Fig. 1; [0168]); if said table reflects that empty storage locations are available on said medium, storing each unit of new video data in such empty storage locations and updating the corresponding entries in said table ([0169]; [0191]); if said table reflects that empty storage locations are not available on said medium, scanning said table to identify existing stored video data at each priority level and applying said at least one rule to each priority level to identify stored data that may be overwritten, beginning at the lowest priority level and continuing to successively higher priority levels until sufficient storage locations have been identified to store said units of incoming video data ([0168]; [0169]; also see "Response to Arguments" above); and overwriting

said existing stored video data in said identified storage location with said new video data and updating the corresponding entries in said table ([0168]; [0169]; [0191]).

However, Klarfeld et al. do not disclose the creation time and address for each video data in the table.

Kimura et al. disclose the creation time and address for each video data in a table (abstract; column 24, lines 29-44).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the creation time and the address information disclosed by Kimura et al. into the method disclosed Klarfeld et al. for management purpose. The incorporated features would enhance the user interface of the method because it can tell when the video data was created and/or its ages. It also helps locating the files on the storage device without that, the locating and deleting of located files disclosed in [0169] would be impossible.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klarfeld et al. (US 2003/0067554) and Kimura et al. (US Patent 7,096,237) as applied to claim 16 above, and further in view of Hayashi (US Patent 6,434,323).

Regarding claim 18, see the teachings of Klarfeld et al. and Kimura et al. as discussed in claim 16 above. However, the proposed combination of Klarfeld et al. and Kimura et al. does not disclose in the event that more than one stored video at a given priority level is determined to be expendable, the oldest such video is overwritten first by the new video.

Hayashi discloses in the event that more than one stored video at a given priority level is determined to be expendable, the oldest such video is overwritten first by the new video (column 10, lines 22-29).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the rule of overwriting disclosed by Hayashi into the method disclosed by Klarfeld et al. and Kimura et al. to discard old data. The incorporated feature would help users to keep up-to-date video data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621